

AN ORDINANCE **2006-06-15-0714**

**AUTHORIZING THE EXECUTION OF TWO CONTRACT AMENDMENTS WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO PROVIDE AN ADDITIONAL \$70,000.00 TO THE CITY AND EXTEND THE CONTRACT PERIODS FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO OPERATE AND MAINTAIN AIR QUALITY MONITORS; AND REVISING THE PROGRAM'S BUDGETS**

\* \* \* \* \*

**WHEREAS**, the San Antonio Metropolitan Health District (SAMHD) Public Center for Environmental Health (PCEH) was established to protect the environment in San Antonio; and

**WHEREAS**, the Texas Commission on Environmental Quality (TCEQ), an agency of the State of Texas, has contracted with the City of San Antonio for PCEH to manage two local air monitoring efforts; and

**WHEREAS**, through one contract, PCEH operates and maintains various air quality monitors while another contract with TCEQ supports work by PCEH to operate and maintain air particulate matter monitors that trap small air particles known to trigger asthma and other respiratory illnesses in children; and

**WHEREAS**, PCEH oversees and coordinates these operations with TCEQ by collecting air samples and delivering them to the designated analytical laboratory; and

**WHEREAS**, the TCEQ has now offered two contract amendments which will increase the funds to the PCEH to continue to operate and maintain air quality monitors and extend the contract periods; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is authorized to execute two contract amendments with the Texas Commission on Environmental Quality to provide an additional \$70,000.00 to the City and extend the contract periods for the San Antonio Metropolitan Health District to continue to operate and maintain air quality monitors. A copy of said contract amendments are attached hereto and incorporated herein for all purposes as Attachment I and Attachment II.

**SECTION 2.** Fund No. 26008000, Internal Order No. 136000000243 entitled "2004-05 Air Monitoring" and Internal Order No. 136000000244 entitled "2004-05 Monitoring" are hereby designated for use in accounting for the fiscal transactions of this program. Internal Order 136000000243 will support Amendment 3 of Contract 582-5-55852. Internal Order No. 136000000244 entitled "2004-05 Monitoring" will support Amendment 2 of Contract 582-5-55885.

**SECTION 3.** The aggregate sum of \$70,000.00 in funding is approved and hereby appropriated in said Internal Orders as set out in the detailed revised budgets affixed hereto and incorporated herein for all purposes as Attachment III and Attachment IV.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall be effective on and after June 25, 2006.

PASSED AND APPROVED this 15th day of June, 2006.

ATTEST: Lucia M. Reed  
City Clerk

Phil Hardberger  
MAYOR  
PHIL HARDBERGER

APPROVED AS TO FORM: Hollis Young  
for City Attorney

ATTACHMENT I  
CONTRACT NUMBER 582-5-55852

CONTRACT AMENDMENT

STATE OF TEXAS           §  
COUNTY OF TRAVIS      §

AMENDMENT NUMBER 3

The Texas Commission on Environmental Quality (TCEQ), and the City of San Antonio hereby agree to amend Contract No. 582-5-55852, as shown below. This amendment will extend the contract period, increase the contract amount.

1. TCEQ and the City of San Antonio agree that the total compensation possible under this contract is as follows:

The Original Contract Amount	\$ 235,000.00
Contract Amendment No. 1	\$ 39,166.66
Contract Amendment No. 2	\$ 117,500.00
<u>Contract Amendment No. 3</u>	<u>\$ 40,000.00</u>
The Total Contract Amount	<b>\$ 431,666.66</b>

2. Article 4 of the Agreement (relating to Term of Contract) is amended to reflect the following revisions.

(Displayed here in struck-out text) formerly read:

~~This Contract shall begin on 9-28, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 6-30, 2006, unless terminated early or extended in accordance with the terms of the Contract.~~

With this amendment, Article 4 **now** reads:

This Contract shall begin on 9/28, 2004, or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8/31, 2006, unless terminated early or extended in accordance with the terms of the Contract.

3. Article 6, Item 2 of the Agreement (relating to the Project Representative Sheet) is amended to reflect the changes shown on Attachment A. This change will reflect a new project representative for the TCEQ.

All other conditions and requirements of Contract Number 582-5-55852 will remain unchanged.  
This Amendment will be effective upon 7/1/06 or the date of the last contract signature, whichever is later.

**RECEIVING AGENCY**  
**Texas Commission on Environmental Quality**

**PERFORMING PARTY**  
**City of San Antonio**

By: \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

## ATTACHMENT A

### PROJECT REPRESENTATIVES RECORDS LOCATION

#### ARTICLE 1. PERFORMING PARTY

The term "PERFORMING PARTY" as used in this *Project Representatives / Records Location* means either PERFORMING PARTY or CONTRACTOR, as applicable.

#### ARTICLE 2. TCEQ PROJECT REPRESENTATIVE

The individual named below is the TCEQ Project Representative, who is authorized to give and receive communications and directions on behalf of the TCEQ. All communications including all payment requests must be addressed to the TCEQ Project Representative or his or her designee.

Dan McClellan  
(Name)  
Biowatch Coordinator 165  
(Title) (Mail Code)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Telephone No.: 512/239-6306

Facsimile No.: 512/239-1605

#### ARTICLE 3. PERFORMING PARTY PROJECT REPRESENTATIVE

The individual named below is the PERFORMING PARTY Project Representative, who is authorized to give and receive communications and directions on behalf of the PERFORMING PARTY. All communications to the PERFORMING PARTY will be addressed to the PERFORMING PARTY Project Representative or his or her designee.

Kyle Cunningham  
(Name)  
  
(Title)  
2513 Kennedy Circle, Bldg. 180, Suite 105  
(Mailing Address)  
San Antonio TX 78235  
(City) (State) (Zip Code)

Telephone No.: 210/532-5765

Facsimile No.: 210/532-3747

#### ARTICLE 4. SUBMITTAL OF PAYMENT REQUESTS

Payment requests must be submitted to (whichever is checked):

☒ the TCEQ Project Representative.

☐ the TCEQ Disbursements Section.

(if neither box is checked, payment requests must be submitted to the TCEQ Disbursements Section).

#### ARTICLE 5. DESIGNATED LOCATION FOR RECORDS ACCESS AND REVIEW

The PERFORMING PARTY designates the physical location indicated below for record access and review pursuant to any applicable provision of this contract:

\_\_\_\_\_  
(Location)  
  
\_\_\_\_\_  
(Mailing Address)  
  
\_\_\_\_\_  
(City) (State) (Zip Code)

**CONTRACT AMENDMENT**

**ATTACHMENT II**

**STATE OF TEXAS            '**  
**COUNTY OF TRAVIS        '**

**AMENDMENT NUMBER 2**

The Texas Commission on Environmental Quality (TCEQ), and the City of San Antonio hereby agree to amend Contract No. 582-5-55885, as shown below. This amendment increases the total compensation possible under the contract in order that the City of San Antonio may continue to operate and maintain the PM2.5 Samplers located in San Antonio, Texas.

1. TCEQ and the City of San Antonio agree that the total compensation possible under this contract is increased as follows:

The Original Contract Amount	\$ 30,000.00
Contract Amendment No. 1	\$ 30,000.00
<u>Contract Amendment No. 2</u>	<u>\$ 30,000.00</u>
Total Contract Amount	\$ 90,000.00

2. The Project Representative/Records Location Page of the original contract is being amended as shown in Attachment A.

3. ARTICLE 2. PRICING and PAYMENT

Payment for required Work performed under this Contract will continue to be based on the following fixed price(s):

Item	Est. Quantity	Unit Price	Total
Monitoring Activities (TEOM Operation)	3 Monitors	\$ 10,000.00	\$ 30,000.00

**Total Annually \$ 30,000.00**

4. The Section titled ATerm of Contract,@ see Article 4, on the page 1 of the Contract Agreement, is amended to extend the contract period. This item (displayed here in struck-out text) formerly read:

~~ARTICLE 4. TERM OF CONTRACT~~

~~This Contract shall begin on 9-1, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8-31, 2006, unless terminated early or extended in accordance with the terms of the Contract.~~

With this amendment, Article 4 of the Agreement now reads:

This Contract shall begin on 9-1, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8-31, 2007, unless terminated early or extended in accordance with the terms of the Contract

All other conditions and requirements of Contract Number 582-5-55885 will remain unchanged.

**TCEQ:**

Texas Commission on Environmental Quality

By: \_\_\_\_\_

Authorized Signature

Steve Spaw, P.E.

Printed Name

Director, Monitoring Operations Division

Title

Date: \_\_\_\_\_

**PERFORMING PARTY:**

City of San Antonio

By: \_\_\_\_\_

Frances A. Gonzalez

Assistant City Manager

ATTEST:

\_\_\_\_\_  
Leticia M. Vacek

City Clerk

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael D. Bernard

City Attorney

PROJECT REPRESENTATIVES  
RECORDS LOCATION

The term APERFORMING PARTY@ as used in this *Project Representatives / Records Location* means either PERFORMING PARTY or CONTRACTOR, as applicable.

The individual named below is the TCEQ Project Representative, who is authorized to give and receive communications and directions on behalf of the TCEQ. All communications including all payment requests must be addressed to the TCEQ Project Representative or his or her designee.

Kristin Bourdon  
(Name)  
Network Coordinator 165  
(Title) (Mail Code)

Telephone No.: 512-239-0883

Facsimile No.: 512-239-1605

Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

The individual named below is the PERFORMING PARTY Project Representative, who is authorized to give and receive communications and directions on behalf of the PERFORMING PARTY. All communications to the PERFORMING PARTY will be addressed to the PERFORMING PARTY Project Representative or his or her designee.

Kyle Cunningham  
(Name)  
  
(Title)

Telephone No.: 210/532-5471

Facsimile No.: 210/532-3747

2513 Kennedy Circle, Bldg. 180, Suite 105  
(Mailing Address)

Brooks City-Base	TX	78235
(City)	(State)	(Zip Code)

Payment requests must be submitted to (whichever is checked):

X TCEQ Project Representative.

TCEQ Disbursements Section.

*(if neither box is checked, payment requests must be submitted to the TCEQ Disbursements Section).*

The PERFORMING PARTY designates the physical location indicated below for record access and review pursuant to any applicable provision of this contract:

(Location)

(Mailing Address)

(City) (State) (Zip Code)



**Attachment III**  
**San Antonio Air Monitoring**  
**Fund 26008000**  
**Funds Center 3611230000**  
**Budget for period: 09/01/04 - 08/31/06**

<u>ESTIMATED REVENUES</u>	<u>SAP GL</u>	<u>PREVIOUS AMOUNT</u>	<u>ADD (DEDUCT)</u>	<u>REVISED AMOUNT</u>
TCEQ Contract Number 582-5-55852	4501110	\$ 235,000	0	235,000
TCEQ Amendment Number 1	4501110	39,167	0	39,167
TCEQ Amendment Number 2	4501110	117,500	0	117,500
TCEQ Amendment Number 3	4501110	0	40,000	40,000
		<u>\$ 391,667</u>	<u>40,000</u>	<u>431,667</u>

**APPROPRIATIONS**

San Antonio Air Monitoring 09/01/04 - 08/31/06  
Activity: 36-11-23  
Cost Center 3611230001  
Internal Order 136000000243 entitled "2004-05 Air Monitoring"

Regular Salaries & Wages	5101010	\$ 195,226	(25,000)	170,226
Overtime Salaries	5101020		33,500	33,500
Language Skill Pay	5101050	600	200	800
Retiree Payout	5101070		1,500	1,500
Social Security	5103005	13,185	0	13,185
Life Insurance	5103010	315	0	315
Personal Leave Buy Back	5103035	2,000	0	2,000
TMRS	5105010	20,049	0	20,049
Education/Training	5201025	2,000	1,200	3,200
Membership Dues	5203050	575	0	575
Binding & Printing	5203060		100	100
Transportation	5203090	4,000	450	4,450
Maintenance & Repair - Commerical	5204020	2,000	0	2,000
Maintenance & Repair - M & E	5204080		50	50
Maintenance & Repair - Auto	5204090		4,000	4,000
Mail & Parcel	5205010	200	(200)	0
Travel	5207010	3,500	0	3,500
M & R - Auto Parts	5301020		1,800	1,800
Office Supplies	5302010	1,168	1,008	2,176
Clothing & Linen	5304005	1,000	1,500	2,500
Chemical, Medical & Drugs	5304040	1,000	0	1,000
Photographic Supplies	5304045	2,000	(171)	1,829
Tools, Apparatus & Accessories	5304050	2,000	(800)	1,200
Computer Software	5304075	6,500	(4,500)	2,000
Communications-Telephone	5403010	2,500	1,200	3,700
Cell Phone	5403040	2,980	1,200	4,180
Automatic Data Processing	5403520	1,300	9,000	10,300
Motor Fuel & Lubricants	5403545	8,000	0	8,000
Vehicle Management Fee	5404510	438	412	850
Interest Expense	5405020		450	450
Group Health Insurance	5405040	31,729	0	31,729
Indirect Costs	5406530	21,364	601	21,965
Rental of Rolling Equipment	5407510	8,750	0	8,750
Depreciation Expense	5408080		1,500	1,500
Computer Equipment	5501000	7,500	3,000	10,500
Machinery & Equipment - Auto	5501050	49,788	8,000	57,788
Total		<u>\$ 391,667</u>	<u>40,000</u>	<u>431,667</u>

**PERSONNEL COMPLEMENT**

Activity: 36-11-23  
Cost Center 3611230001  
Internal Order 136000000243

<u>Class No.</u>	<u>Title</u>	<u>PREVIOUS POSITIONS</u>	<u>ADD (DEDUCT)</u>	<u>REVISED POSITIONS</u>
0041	Administrative Assistant (.25 FTE)	1	0	1
0202	Sanitarian II	3	0	3
0206	Health Program Manager (.25 FTE)	1	0	1
0865	Special Projects Officer (.25 FTE)	1	0	1
0870	Special Projects Coordinator (.25 FTE)	1	0	1
0873	Accountant I	0	0	0
0892	Fiscal Officer (.25 FTE)	1	0	1
	Total	<u>8</u>	<u>0</u>	<u>8</u>

**Attachment IV**  
**San Antonio Air Monitoring - TCEQ 2004/2007**  
**Fund 26008000**  
**Funds Center 3611240000**  
**Budget for period: 9/1/04 - 8/31/07**

<u>ESTIMATED REVENUES</u>	<u>SAP GL</u>	<u>PREVIOUS AMOUNT</u>	<u>ADD (DEDUCT)</u>	<u>REVISED AMOUNT</u>
TCEQ Contract Number 582-5-55885	4501110	\$ 30,000	0	30,000
TCEQ Amendment Number 1	4501110	30,000	0	30,000
TCEQ Amendment Number 2	4501110	0	30,000	30,000
		<u>\$ 60,000</u>	<u>30,000</u>	<u>90,000</u>

**APPROPRIATIONS**

PM 2.5 Monitoring in San Antonio  
Activity: 36-11-24 09/01/04 - 08/31/06  
Cost Center 3611240001  
Internal Order 136000000244

Regular Salaries & Wages	5101010	\$ 38,300	0	38,300
Social Security	5103005	2,930	0	2,930
Life Insurance	5103010	69	0	69
TMRS	5105010	4,455	0	4,455
Fees to Professional Contractor	5201040	0	30,000	30,000
Group Health Insurance	5405040	9,333	0	9,333
Indirect Cost	5406530	4,913	0	4,913
Total		<u>\$ 60,000</u>	<u>30,000</u>	<u>90,000</u>

**PERSONNEL COMPLEMENT**

Activity: 36-11-24  
Cost Center 3611240001  
Internal Order 136000000244

Class No.	Title	<u>CURRENT POSITIONS</u>	<u>ADD (DEDUCT)</u>	<u>REVISED POSITIONS</u>
0206	Health Program Manager (.25 FTE)	1	0	1
0865	Special Projects Officer (.25 FTE)	1	0	1
0870	Special Projects Coordinator (.25 FTE)	1	0	1
0252	Epidemiology Program Manager (.10 FTE)	1	0	1
	Total:	<u>4</u>	<u>0</u>	<u>4</u>

**CITY OF SAN ANTONIO  
SAN ANTONIO METROPOLITAN HEALTH DISTRICT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Sheryl Sculley, City Manager

**FROM:** Fernando A. Guerra, MD, MPH, Director of Health

**SUBJECT:** Texas Commission on Environmental Quality Amendments

**DATE:** June 15, 2006

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the City Manager to accept and execute amendments for two contracts with the Texas Commission on Environmental Quality (TCEQ). One amendment provides an additional \$40,000.00 and extends the contract period through August 31, 2006 for Contract 582-5-55852 (Amendment Number 3). This contract supports the San Antonio Metropolitan Health District's (SAMHD) Public Center of Environmental Health (PCEH) in its operation/maintenance of air quality monitors in the San Antonio area. The second contract amendment provides an additional \$30,000.00 and extends the contract period through August 31, 2007 for Contract 582-5-55885 (Amendment Number 2), which supports the PCEH's operation and maintenance of three 2.5-micron particulate matter air monitors. This ordinance further revises the program budgets.

Staff recommends approval.

**BACKGROUND INFORMATION**

The San Antonio Metropolitan Health District (SAMHD) Public Center for Environmental Health (PCEH) was established to protect the environment in San Antonio. The Texas Commission on Environmental Quality (TCEQ), an agency of the State of Texas, has contracted with the City of San Antonio for PCEH to manage two local air monitoring efforts. Through one contract, PCEH operates and maintains various air quality monitors. Another contract from TCEQ supports work by PCEH to operate and maintain air particulate matter monitors that trap small air particles known to trigger asthma and other respiratory illnesses in children.

PCEH oversees and coordinates these operations with TCEQ by collecting air samples and delivering them to the designated analytical laboratory. In addition, PCEH staff regularly checks each air monitor to ensure they are fully operational.

**POLICY ANALYSIS**

This ordinance follows the City practice of utilizing Federal, State and other funds to protect community health.

## **FISCAL IMPACT**

This ordinance authorizes two (2) contract amendments between TCEQ and SAMHD as follows:

The contract to operate and maintain the air quality monitors (Contract 582-5-55852) will be extended from June 30, 2006 through August 31, 2006. An additional \$40,000.00 is provided from TCEQ to support this change.

The contract to operate and maintain the air particulate matter monitors (Contract 582-5-55885) will be extended from August 31, 2006 through August 31, 2007. An additional \$30,000.00 will be provided from TCEQ for this change.

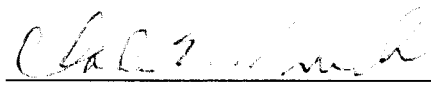
With these two amendments, funding for the combined projects will total \$521,667.00. These contract amendments will place no demand on the City General Fund.

## **COORDINATION**

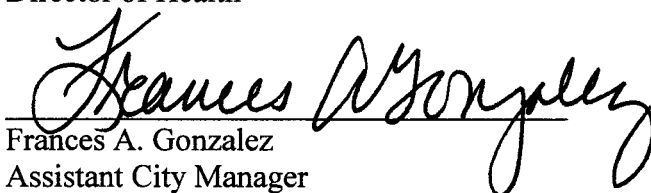
The City Attorney's Office and the Human Resources Department-Risk Management Division have reviewed and approved the agreements. The Office of Management and Budget and Finance Department have approved the program budgets. The SAMHD has coordinated these programs with the Departments of Environmental Services and External Relations.

## **SUPPLEMENTARY COMMENTS**

A Discretionary Contracts Disclosure form is not required.




Fernando A. Guerra, MD, MPH  
Director of Health



Frances A. Gonzalez  
Assistant City Manager

Approved for Council Consideration:



Sheryl Sculley  
City Manager